

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number

16319-05986

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on _____

Signature _____

Typed or printed

name Robert R. Sachs, Reg. No. 42,120

Application Number

10/105,602

Filed

March 21, 2002

First Named Inventor

Elliot Cooperstone

Art Unit

3629

Examiner

Jonathan P. Quellette

This request is being filed with a notice of appeal.

I am the



applicant/inventor.



assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.



attorney or agent of record.

Registration number 42,120

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

Robert R. Sachs

Typed or printed name

(415) 875-2410

Telephone number

3/30/06

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 of 1 forms is submitted.

REMARKS FOR PRE-APPEAL BRIEF REQUEST
FOR REVIEW IN U.S. PATENT APPLICATION 09/755,934 FILED ON JANUARY 4, 2001

Pre-appeal brief review of this application is appropriate because the Examiner has failed to establish a prima facie case that Kahn discloses or suggests the limitations of claims 9-13, 17-29, 31-36, 38-42, 51-58. Claims 9, 17, 21, 26, 29, 36, 51, 52, 55, and 57 are independent claims. Claims 1-8 and 43-50 are withdrawn. Claims 14-16, 30, and 37 are cancelled.

Claim 9 recites "*a method of integrating a plurality of human resource and employee benefit products*", including "*initiating a plurality of tasks to perform the operation for each of the plurality of products, wherein same data regarding the operation to be performed is formatted to accommodate different formatting of each of the data source belonging to the plurality of products; determining which of the plurality of tasks are critical and creating a sorted first list of all the tasks initiated to perform the operation on the plurality of products that are determined to be critical; synchronously executing the tasks from the first list, wherein one the task is being executed at a time in order of priority, with a subsequent task waiting for a previous task to complete; determining which of the plurality of tasks are not critical and creating a second list of all the tasks initiated to perform the operation on the plurality of the products that are determined to be non-critical; and executing the tasks from the second list in asynchronous order.*"

Claim 21 similarly recites a system with a processor that determines which tasks are critical or non-critical task, and then separately executes the critical tasks and the non-critical tasks.

By determining which of the plurality of tasks are critical and which of the plurality of tasks are not critical, the claimed method and system is able to prioritize the various tasks and to execute the tasks on each product in an organized fashion in accordance with each task's relative importance. As a result, an operation may be performed on the various products more effectively, more fault-tolerant, and with less overhead on system resources.

By contrast, Kahn merely discloses a centralized back-end payroll service with a web-based payroll system, in which "[t]he system automatically calculates overtime, imputed income, and paid-time-off benefits between employers and employees" (Abstract), without any reference to the criticality of such tasks. Where the Examiner asserts that Kahn discloses prioritization (e.g., 12:43-57), Kahn merely discloses "workflow sequence data" and "load balancing," neither of which have anything to do with task criticality determination.

Thus Kahn is unable to prioritize tasks and to execute such tasks in an organized fashion, and does not provide the benefit of performing an operation more effectively, more fault-tolerant, and with less overhead on system resources.

Claim 17 recites a network site with *"one or more network links from the computer server to computer servers of corresponding third party providers, each of whom offers one or more human resource and employee benefit products . . . comprising a second set of human resource and employee benefits products."*

Claim 17 also recites that the computer server determines the appropriate application comprising *"an integrated benefits package comprising one or more applications from the first and second sets of human resource and employee benefits products."* Claim 17 further recites that *"the third party providers are bound to a determined price of their applications included in the integrated benefits package."*

Claim 52 recites a method including *"creating by an agent an integrated package of human resource and employee benefit products selected from a plurality of human resource and employee benefit products offered by a plurality of third-party service providers"* and *"determining by the agent a price quotation for the integrated package, the price quotation being binding on each third-party service provider providing the products in the integrated package"*. Claims 55 and 57 respectively recite a system and computer program product that include modules with similar limitations.

By offering an integrated benefits package comprising both internal human resource and employee benefit products and third-party provided products, the network site is able to offer users a benefits package that does not require the users to deal directly with individual third party providers. Furthermore, by binding the third party providers to a determined price of their applications in the integrated benefits package, the network site is able to provide a price quotation for the integrated benefits package to the users. As a result, the users view the integrated benefits package as offered by a single source.

In contrast, contrary to the Examiner's assertion, Kahn at (52:39-42) teaches that the Employer stores copies of forms from the third party providers, and its employees access the forms from the Employer's system and fill them out: *"[t]he system includes electronic copies of forms of third-party payroll systems . . . in order to enable an Employer . . . to populate system databases with the Employer's information."* Second, Kahn has the Employer's system include *"links to providers' web sites."* (52:51-53). Providing links to third party providers still requires the employees still have to deal directly with individual third party providers in order to obtain their human resource and employee benefit products. Third, Kahn teaches simply storing all of the

benefit information on the employer's system (Fig. 4(b), 23:1-56). In no case does Kahn disclose or suggest *"one or more network links from the computer server to computer servers of corresponding third party providers"*.

In addition, Kahn also fails to teach or suggest that a network site binds third party providers to a determined price of their applications in the integrated benefits package. Kahn merely discloses providing the information for custom rate tables for health insurance plans offered by third party providers (23:40-45). Kahn does not bind such third party providers to a price quoted to its users. As a result, each user in Kahn appears to have to deal directly with any third party provider to obtain a negotiated price.

Claim 26 recites a *"network computer server that manages and administers a plurality of human resource and employee benefit products . . . being implemented on a plurality of third party network computing devices,"* and that the *"processor performs the actions in an integrated fashion according to a format of each of the plurality of products."* By managing and administering a plurality of products being implemented on a plurality of third party network computing devices, the network computer server is able to provide users an integrated system that does not require the users to deal directly with individual third party providers. As a result, the users can use a single source to manage and administer a plurality of third party products which themselves are *implemented on plurality of third party network computing devices."*

In contrast, Kahn's payroll system stores all of the benefit data internally (23:1-57), or merely provides links to third party web sites for its users to access further information regarding third party products (52:51-53). As a result, Kahn's users must access the links and directly with third party providers. Further, linking from the Employer's website to a third party site does not "seamlessly integrate" the underlying functionality and data of the two websites, and thus does not inherently allow for operating on differently formatted products. Therefore, since Kahn does not perform actions on third party products implemented on a plurality of third party network computing devices, Kahn does not disclose or suggest that its system accommodates different formatting of each third party data source.

Claim 29 recites *"converting the retrieved updated data records into a data format that is compatible with the requesting network process"* and *"providing the converted data records to the requesting network process."* Converting the data records into a format that is compatible with the requesting network process allows for centrally managing data records for various computer network processes. As a result, users of the

integrated human resource management system does not need to deal directly with each of the computer network processes and can manage different computer network processes at a single management system.

As discussed, Kahn only allows a user access to a third party web site. That is, the system of Kahn does not provide management functions for products provided by third parties. Therefore, since Kahn does not allow a user to update data records of third party products, he does not disclose that its system accommodates different formatting of each requesting network process.

Claim 51 recites "*a first display area for displaying at least one recommendation relating to the third party provider product of the package*" and "*a second display area . . . for displaying at least one reminder for the third party provider product of the package.*" By displaying a recommendation and reminder for the third party provider product of the package, the user interface of claim 51 is able to timely inform users what actions need to be taken with respect to the third party provider product in the integrated package.


Kahn merely discloses that the Employer's system includes "links to the providers' web sites." (52:51-53). This does not disclose or suggest a user interface that displays a recommendation relating to a third party provider product in response to receiving data indicating entry into a time period for a life event and that displays a reminder for the third party provider product.

Dated: _____

3/31/06

Respectfully submitted,
Elliot Cooperstone and H. Thach Pham

By: _____


Robert R. Sachs
Reg. No. 42,120
Fenwick & West LLP
801 California Street
Mountain View, CA 94306
Phone: (415) 875-2410